

discretion in IGRA fee-to-trust applications, Platt wrote, “we believe that there is little or no support for the conclusions reached in the Anderson letter.” The footnote to this statement contained an extended, indirect but obvious reference to the May 8 Patrick O’Connor letter to Ickes. It explained the applicants’ concern that “matters, not part of the statutory policy and possibility [sic] misrepresented, may have impacted the conclusions in the Anderson letter.” The footnote then proceeded to rebut one by one the specific points labeled as the “politics . . . in this situation” in O’Connor’s May 8 letter, suggesting that those factors were all as irrelevant to the decision as “the fact that [Platt is] an active Democrat and strong supporter of this Administration.”

At the same time, Platt reached out to the IGMS staff to address concern about the appealability of the decision. DOI lawyers responded on Aug. 10, stating the Hudson denial was final for the Department. Van Horne then met with DOI Solicitor’s Office attorneys David Etheridge and Troy Woodward on the morning of Aug. 30, and informed them that the applicants intended to file suit in federal district court challenging the validity of the denial; van Horne furnished them with a copy of the draft complaint.

Platt also sent Babbitt an Aug. 15 letter requesting a meeting between the Secretary and representatives of the applicant tribes. While Platt received no official reply to his letters, he and van Horne were able to schedule a meeting the week of Sept. 11 with John Duffy. Platt and van Horne attended, along with Ackley, Newago and others. The meeting was not productive, as Duffy indicated a general apprehension about talking to them due to their impending lawsuit, and further stated that Michael Anderson, as the decision-maker, was the person with whom they should speak.